

REMARKS/ARGUMENTS

Claims 1 to 6, 8 to 18, 21 to 31 and 33 to 45 remain in this application. Claims 7, 19, 20 and 32 have been cancelled, without prejudice.

The Examiner has issued an election/restriction requirement in the above-identified Office Action. Election is required between Group I, claims 1 to 17, drawn to an embossing tool and Group II, claims 18 to 41, drawn to a method of making an embossed surface covering. Pursuant to the restriction/election requirement, Applicants hereby elect the invention as claimed in Group II., claims 18 to 41, with traverse. New claims 42 to 45 read on the invention of Group II.

The claims have been amended to claim related inventions. Amended claim 1 is now directed to an embossing tool for mechanically embossing an article comprising a solidified slurry, in which the solidified slurry is resoluble. Support for the amendment to claim 1 is found at page 6, lines 17 and 18, of the Specification and original claim 31, for example.

Amended claim 18 is now directed to a method of mechanically embossing an article comprising pressing a solidified slurry into the article, the solidified slurry being resoluble. The limitations of original claim 18 now appear in new claim 42. Claim 31 now depends on amended claim 18. Support for the amendment to claim 18 is found at page 6, lines 17 and 18, of the Specification and original claim 31, for example.

The process of amended claim 18 cannot be practiced by another materially different apparatus or by hand. The apparatus of amended claim 1 cannot be used to practice another and materially different process. Therefore, the restriction requirement must be withdrawn.

The Examiner has further required an election of species. The claims of Species I read on Figures 2 and 3, in which the slurry is printed directly onto the surface covering (now article). It is believed that the reference to claims 1-18 reading on Species I was a clerical error. Original claims 18 to 30 read on Species I.

The claims of Species II read on Figures 1 and 4, in which the slurry is printed onto a backing before being applied to the surface covering (now article). Original claims 31 to 41 read on Species II.

Claim 18 has been rewritten to be generic to Species I and II. Amended claim 18 does not require the slurry to be applied directly to the article or to be applied to a backing before being applied to the article. New claim 42 includes the limitations of original claim 18 and depends on amended claim 18. Claim 31 now depends on generic claim 18.

Applicants elect Species II, on which claims 18, 31 to 42 and 44 read. Claims 18 to 30, 42 and 43 read on Species I. Support for new claims 43 to 45 is found in original claim 1, for example.

Support for the amendment to claim 4 is found in original claim 1, for example. The limitation of original claim 4 is now in claim 5 and the limitation of original claim 5 is now in claim 6. The limitation of original claim 7 is now in claim 8 and claim 7 has been cancelled.

Claims 14 and 15 have been rewritten so that the weight ranges are based on dry weight in the solidified slurry rather than the weight of the components in the slurry as applied to the article or backing. The calculations assume that all of the water would be driven off and that no additional components are included in the composition.

The other amendments improve definiteness and conform the language among the claims.

Applicants submit that the amended claims have removed the basis for the restriction requirement, that all of the claims should be examined and that all of the claims are in a condition for allowance. Therefore, early consideration and allowance are respectfully requested.

Respectfully submitted,

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Date

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